

Office Memorandum • UNITED STATES GOVERNMENT

TO : FE - Mr. Allison

~~CONFIDENTIAL~~Bureau of
FAR EASTERN AFFAIRS
MAR 18 1953

DATE: March 18, 1953

FROM : NA - Mr. McClurkin

RJGM

ASSISTANT SECRETARY
Department of StateSUBJECT: Authorization to Ambassador Murphy to Sign FCN Treaty with Japan

The Embassy has requested the Department to transmit to Ambassador Murphy a full power to sign the FCN Treaty with Japan so that signature of the treaty can take place some time between March 23 and the end of March. The Japanese are anxious to sign the treaty as soon as possible.

The draft FCN Treaty with Japan follows very closely our standard draft FCN treaty and is one of the best we have ever negotiated. A few points remain to be resolved before the text is finally agreed, but it is believed that a satisfactory disposition of these points can be made in a few days. The desire of the Japanese to sign as quickly as possible would appear to reflect a belief that announcement of the treaty would be politically advantageous. For our part, the coming into force of the treaty would put an end to difficulties such as those concerning the issuance of visas, and would facilitate the development of closer economic relations with Japan.

A telegram is being prepared for your signature which will inform the Embassy that we are glad to learn of the Japanese desire to conclude the FCN treaty and are recommending to the Secretary that the Ambassador be authorized to sign. A request from the Secretary to the President for the issuance of a full power to sign the treaty will shortly be sent to you for approval.

DEPARTMENT OF STATE A/CDC/MR	
REVIEWED BY <u>[Signature]</u>	DATE <u>9-30-82</u>
RDS ☐ OF XDS ☐ EXT. DATE	REASON(S)
TS AUTH.	
ENDORSE EXISTING MARKINGS ☐	
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EA OF FOI EXEMPTIONS	

State Dept.
NA
From Fraleigh

FE:NA:CAFraleigh:prg
3-18-53

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311.544/3-1857 CS/KA

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011774/5-1103

INCOMING TELEGRAM

Department of State

ACTION COPY

UNCLASSIFIED SECURITY INFORMATION

Action

F800 002 - 0289

Control:
Rec'd:3/19/53 12:45 a.m.
CORRECTED COPYMarch 18, 1953
6:39 a.m.

FROM: Tokyo

TO: Secretary of State

NO: 3032, March 18, 7 p.m.

PRIORITY

FCN Treaty.

DECLASSIFICATION DATE 12/12/79

PER Harvey OFFICE CDC

FADRC FOI CASE NO. 7902959

Agreement reached with Foreign Office on December text treaty with revisions here listed for Department's convenience.

1. All changes requested in Department's A-512 January 8.
2. Insertion word "unlawful" second line, paragraph 1, Article II, indicated Embassy's telegram 2989 March 16.
3. Deletion phrase "or any subdivisions, territories and possession thereof" line 9, paragraph 1, Article IX, suggested in A-512 January 8.
4. Plural "balance of payment" in lieu singular, line 10, paragraph is subject to the provisions of Article XII reported Embassy's telegram 2989 March 16.
5. Addition of second sentence paragraph 3, Article XV "the present paragraph is subject to the provisions of Article XII" reported Embassy's telegram 2989 March 16.
6. Deletion paragraph 2, Article XVIII, and renumbering present paragraph 3.
7. Insertion "national fisheries" following "coasting trade", paragraph 6, Article XIX, as Department requested.
8. Addition of second sentence, paragraph 4, Protocol "furthermore, Japan shall not be obliged by the terms of that paragraph to accord to enterprises of nationals and companies of the United States of the types mentioned in the first sentence of paragraph 2 of Article VII more favorable treatment than that accorded by the state or territory of the United States of America in which such national or company is domiciled, or pursuant to the laws of which such company is organized, to the enterprises of nationals and companies of Japan".

Comment: This is newly proposed revision of provision suggested Department's A658 March 4. Japanese urge addition of "territory", and request

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-2-#3032, March 18, 7 p.m. from Tokyo.

and request insertion of "companies" in connection domicile because they believe status of United States national banks which domiciled in certain state but not (repeat not) organized under laws thereof was unclear in original proposal. Embassy strongly recommends Department accept Japanese proposal.

9. Revision of clause (B), paragraph 14, Protocol to read "the native inhabitants and vessels of, and trade with, the islands mentioned in Article III of the said Treaty of Peace" as accepted in Department's telegram 1587 March 16 and similar to Department's suggestion A-627 February 24 with phrase reading "with yen earnings" amended read merely "with yen".

10. Insertion paragraph 15, Protocol, as reported Embassy's telegram 2987 March 16 and similar to Department's suggestion A-627 February 24 with phrase reading "with yen earning" amended read merely "with yen".

11. Second part, final clause Protocol to read "done in duplicate, in the English and Japanese languages, both equally authentic, at Tokyo, et cetera".

Two copies December text treaty with all above revisions being airpouched addressed to Setser for confirmation.

Conclusion treaty anticipated prior March 30 as indicated by Ambassador Murphy in separate telegram today.

MURPHY

MAM:LS-9

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